

# HOUSE BILL No. 2060

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-5-62; IC 20-10.1.

**Synopsis:** Student testing. Removes the requirement for ISTEP testing in grades 3, 6, and 8. Provides that each student in grade 1 through grade 8 must take a diagnostic test at the beginning of the fall semester of a school year and an achievement test at the end of the spring semester of a school year. Provides that a student who does not receive a grade of at least 70% on the achievement test must receive summer remediation. Provides that such a student must take the achievement test at the end of the remediation and that, if the student does not receive a grade of at least 70%, the student may not be placed in the next grade level. Makes conforming amendments to related statutes.

**Effective:** July 1, 2001.

**Ruppel**

January 17, 2001, read first time and referred to Committee on Education.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 2060

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-5-62-5 IS AMENDED TO READ AS  
2       FOLLOWS[EFFECTIVE JULY 1, 2001]: Sec. 5. Notwithstanding any  
3       other law, the operation of the following is suspended for a freeway  
4       school corporation or a freeway school if the governing body of the  
5       school corporation elects to have the specific statute or rule suspended  
6       in the contract:

7       (1) The following statutes and rules concerning curriculum and  
8       instructional time:  
9       IC 20-10.1-2-2  
10       IC 20-10.1-4-6  
11       IC 20-10.1-4-7  
12       IC 20-10.1-4-9.1  
13       511 IAC 6-7-6  
14       511 IAC 6.1-3-4  
15       511 IAC 6.1-5-0.5  
16       511 IAC 6.1-5-1  
17       511 IAC 6.1-5-2.5

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- 1 511 IAC 6.1-5-3.5  
 2 511 IAC 6.1-5-4  
 3 (2) The following rules concerning pupil/teacher ratios:  
 4 511 IAC 6-2-1(b)(2)  
 5 511 IAC 6.1-4-1  
 6 (3) The following statutes and rules concerning textbooks:  
 7 IC 20-10.1-9-1  
 8 IC 20-10.1-9-18  
 9 IC 20-10.1-9-21  
 10 IC 20-10.1-9-23  
 11 IC 20-10.1-9-27  
 12 IC 20-10.1-10-1  
 13 IC 20-10.1-10-2  
 14 511 IAC 6.1-5-5  
 15 (4) 511 IAC 6-7, concerning graduation requirements.  
 16 (5) 511 IAC 6-2-1(c)(4), concerning pupil/principal ratios.  
 17 (6) 511 IAC 2-2, concerning school construction and remodeling.  
 18 (7) IC 20-1-1.2, concerning the performance-based accreditation  
 19 system.  
 20 (8) IC 20-10.1-16, concerning the ISTEP program established  
 21 under IC 20-10.1-16-8, if an alternative locally adopted norm and  
 22 criterion referenced assessment program is adopted under section  
 23 6(7) of this chapter.  
 24 **(9) IC 20-10.1-16.5, concerning diagnostic and achievement**  
 25 **testing, if alternative locally adopted diagnostic and**  
 26 **achievement tests are adopted under section 6(8) of this**  
 27 **chapter.**  
 28 SECTION 2. IC 20-5-62-6, AS AMENDED BY P.L.77-1999,  
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2001]: Sec. 6. Except as provided in this chapter and  
 31 notwithstanding any other law, a freeway school corporation or a  
 32 freeway school may do the following during the contract period:  
 33 (1) Disregard the observance of any statute or rule that is listed in  
 34 the contract.  
 35 (2) Lease school transportation equipment to others for nonschool  
 36 use when the equipment is not in use for a school corporation  
 37 purpose, if the lessee has not received a bid from a private entity  
 38 to provide transportation equipment or services for the same  
 39 purpose.  
 40 (3) Replace the budget and accounting system that is required by  
 41 law with a budget or accounting system that is frequently used in  
 42 the private business community. The state board of accounts may

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not go beyond the requirements imposed upon the state board of accounts by statute in reviewing the budget and accounting system used by a freeway school corporation or a freeway school.

(4) Establish a professional development and technology fund to be used for:

(A) professional development; or

(B) technology, including video distance learning.

However, any money deposited in the professional development and technology fund for technology purposes must be transferred to the school technology fund established under IC 21-2-18.

(5) Subject to subdivision (4), transfer funds obtained from sources other than state or local government taxation among any accounts of the school corporation, including a professional development and technology fund established under subdivision (4).

(6) Transfer funds obtained from property taxation and from state distributions among the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this subdivision.

(B) This subdivision does not allow a school corporation to transfer to any other fund money from the:

(i) capital projects fund (established under IC 21-2-15); or

(ii) debt service fund (established under IC 21-2-4).

(7) Establish a locally adopted assessment program to replace the assessment of students under the ISTEP program established under IC 20-10.1-16-8, subject to the following:

(A) A locally adopted assessment program must be established by the governing body and approved by the department.

(B) A locally adopted assessment program may use a locally developed test or a nationally developed test.

(C) Results of assessments under a locally adopted assessment program are subject to the same reporting requirements as results under the ISTEP program.

(D) Each student who completes a locally adopted assessment program and the student's parent or guardian has the same rights to inspection and rescoring as are set forth in IC 20-10.1-16-7(d).

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**(8) Establish a locally adopted diagnostic and achievement testing program to replace the assessment of students under IC 20-10.1-16.5, subject to the following:**

**(A) A locally adopted assessment program must be established by the governing body and approved by the department.**

**(B) A locally adopted assessment program may use a locally developed test or a nationally developed test.**

SECTION 3. IC 20-10.1-16-8, AS AMENDED BY P.L.193-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The state superintendent shall develop an ISTEP program testing schedule in which ~~(1) each student in grades 3, 6, 8, and 10 must be tested; and~~ (2) each student in grade 10 must take a graduation examination. The board shall adopt rules to establish when a student is considered to be in grade 10 for purposes of initially taking the graduation examination.

(b) A student who is a child with a disability (as defined in IC 20-1-6-1) shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing under this chapter, or a part of the testing, is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

(c) Any decision with regard to a student who is a child with a disability (as defined in IC 20-1-6-1) to participate in testing under this chapter, to receive accommodations in testing materials and procedures, to participate in remediation under IC 20-10.1-17, or to be retained at the same grade level for consecutive school years shall be made in accordance with the child's individualized education program, subject to the ISTEP program manual, and federal law.

SECTION 4. IC 20-10.1-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

**Chapter 16.5. Diagnostic and Achievement Testing**

**Sec. 1. This chapter applies to a student who is enrolled in:**

**(1) grade 1 through grade 8; and**

**(2) one (1) of the following schools:**

**(A) A public school.**

**(B) An accredited nonpublic school.**

**(C) Another nonpublic school that has requested and received from the state board specific approval of the school's educational program.**

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1        **Sec. 2. (a) The board shall authorize the development and**  
 2        **implementation of a series of diagnostic and achievement tests for**  
 3        **each grade level in grade 1 through grade 8.**

4        **(b) The state superintendent is responsible for the overall**  
 5        **development, implementation, and monitoring of the tests.**

6        **(c) The department shall prepare detailed design specifications**  
 7        **for the tests.**

8        **Sec. 3. (a) A diagnostic test required under this chapter must**  
 9        **test whether a student has mastered the academic skills and**  
 10       **information necessary to be ready to achieve satisfactory progress**  
 11       **at a specific grade level.**

12       **(b) An achievement test required under this chapter must test**  
 13       **whether a student has mastered the academic skills and**  
 14       **information presented at a specific grade level.**

15       **Sec. 4. (a) At the beginning of the fall semester of each school**  
 16       **year, a school shall administer a diagnostic test approved by the**  
 17       **department to each student who is in grade 1 through grade 8.**

18       **(b) A school may use the results of a diagnostic test**  
 19       **administered under this section to provide instruction to a student**  
 20       **that targets areas in which the student is not performing**  
 21       **satisfactorily.**

22       **Sec. 5. (a) At the end of the spring semester of each school year,**  
 23       **a school shall administer an achievement test approved by the**  
 24       **department to each student who is in grade 1 through grade 8.**

25       **(b) A school shall provide summer remediation to a student who**  
 26       **does not receive a score of at least seventy percent (70%) on the**  
 27       **achievement test.**

28       **(c) After a student has finished the remediation required under**  
 29       **subsection (b), the school shall administer another achievement test**  
 30       **to the student. A student who does not receive a score of at least**  
 31       **seventy percent (70%) on an achievement test administered under**  
 32       **this subsection may not be placed in the next grade level.**

33       **Sec. 6. The board shall adopt rules under IC 4-22-2 to carry out**  
 34       **this chapter.**

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